



# STOP & FRISK

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## **I. POLICY & PROCEDURES**

Members of the Anne Arundel County Police Department who conduct searches or seizures pursuant to this directive will file an Incident Report describing the circumstances and reasons surrounding the search or seizure, and MSP Form #97 (Anne Arundel County Form PD 2005, Appendix A). If no seizures or arrests are made, MSP Form #97 (PD 2005) must still be completed. The form can be done in lieu of an Incident Report if no weapons were seized or no arrest was made.

The Anne Arundel County Police Department Case Number will be placed on line number 9 (marked "related case number" & is located in the middle of the form) and line number 17 (located in the upper right corner of the form.)

## **II. STOP & FRISK LAW**

The following is reprinted from the Maryland Handgun Control Law (CR 4-206).

A. Any law enforcement officer who, in light of his/her observations, information and experience has a reasonable belief that a person may be wearing, carrying or transporting a handgun in violation of (CR 4-203); and by virtue of possessing a handgun, such person is or may be presently dangerous to the officer or to others; and it is impractical, under the circumstances, to obtain a search warrant; and it is necessary for the officer's protection or the protection of others to take swift measures to discover whether such person is, in fact, wearing, carrying or transporting a handgun, such officer may:

1. Approach the person and identify himself/herself as a law enforcement officer;
2. Request the person's name and address, and if the person is in a vehicle, his/her license to operate the vehicle and the vehicle registration; and
3. Ask such questions and request such explanations as may be reasonably calculated to determine whether the person is, in fact, unlawfully wearing, carrying or transporting a handgun in violation of CR 4-203; and if the person does not give an explanation which dispels the reasonable belief which the officer had, then the officer may
4. Conduct a search of the person, limited to a patting or frisking of the person's clothing in search of a handgun. The law enforcement officer in acting under this section shall do so with due regard to all circumstances of the occasion, including but not limited to age, appearance, physical condition, manner and sex of the person approached.

B. In the event the officer discovers the person to be wearing, carrying or transporting a handgun, he/she may demand that the person produce evidence that he/she is entitled to so wear, carry or transport the handgun pursuant to CR 4-203(b). If the person is unable to produce such evidence, the officer may then seize the handgun and arrest the person.

C. Nothing in this section shall be construed to limit the right of any law enforcement officer to make any other type of search, seizure, and arrest which may be permitted by law, and the provisions hereof shall be in addition to, and not in substitution of, or limited by, provisions of Title 2 of the Criminal Procedure.

D. Any law enforcement officer sued in a civil action for conducting a search or seizure, pursuant to this section, which is alleged to be unreasonable and unlawful, shall upon his/her request, be defended in said action and any appeals there from, by the Attorney General.

E. Every law enforcement officer who conducts a search or seizure pursuant to this section shall within twenty-four (24) hours after such search or seizure, file a written report with the law enforcement agency by which he/she is employed, describing the circumstances surrounding the search or seizure and the reasons therefore on a form prescribed by the Secretary of Public Safety and Correctional Services. Such a report shall include the name of the person searched. A copy of all such reports shall be sent to the Superintendent of the Maryland State Police.

**III. COMPLETION/DISTRIBUTION OF MSP FORM 97 (PD Form 2005, Appendix A)**

- A. Obtain a complete identification of the subject of the stop and frisk;
- B. Accurate description of any firearms must include proper serial number. (Not parts numbers or assembly numbers often confused with serial numbers);
- C. Include date, time, location, and county where recovery of weapon or search is effected;
- D. Include specific arrest violation in narrative if arrest is made;
- E. Officer ID number must be included.
- F. Officer agency and assignment must be stated in Item #13.
- G. Date and time forwarded (Items #15 and #16) must be completed.
- H. Complete line numbers 9 and 17 with the Anne Arundel County Police Department Case Number.
- I. Central Records Section: The original will be forwarded to the Maryland State Police at the direction of the Central Records Manager.

The inclusion of the above information will greatly assist in the prompt processing of the "Stop and Frisk" forms. Once the officer has completed the form, a copy will be attached to the initiating officer's incident report (if a report was required.)

**IV. PROPONENT UNIT: *Patrol Services* Bureau.**

**V. CANCELLATION:** This directive cancels Index Code 2005, dated 03-14-03.